

REMARKS/ARGUMENTS

This amendment is being made following a Decision on Appeal from the Board of Patent Appeals and Interferences mailed on January 8, 2007. In that Decision, the Board affirmed the rejection of all claims by the Examiner, as set forth most recently in the Examiner's Answer mailed on October 4, 2005.

It is believed that the amendments made herein to independent claims 1 and 5, the only pending independent claims, overcome the stated and affirmed grounds for rejections for the following reasons.

All claims were rejected over the combination of U.S. Patent No. 5,171,211 to Deasy in combination with U.S. Patent No. 814,795 to Myers. In making the rejection, the Examiner argued, and the Board agreed, that Deasy shows an overlap in Fig. 7 sufficient to establish that "the sleeve 46...[is]...configured to be slid substantially (i.e., being largely but not wholly) the entire length of arm portion 18.... We agree with the Examiner."

This finding of the Board is critical in rejecting the present claims. Both independent claims 1 and 5 have now been amended to delete the broadening term "substantially" from the requirement that the second sleeve be configured to be slid wholly over the entire length of the first sleeve.

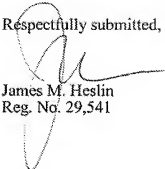
As both independent claims 1 and 5 now explicitly require that the second sleeve be slid wholly over the entire length (and nothing less than the entire length) of the first sleeve to apply the desired inward pressure, the claims clearly distinguish the teachings of Deasy and in particular Fig. 7 which shows the first sleeve 18 and second sleeve 46 overlapping over only the middle portion of the arm. As the affirmance of the claim rejections by the Board hinges on their definition of the term "substantially" set forth at the top of page 5, removal of that term from the independent claims together with clarification that the outer sleeve extends "wholly" over the inner sleeve clearly overcomes the stated grounds for rejection.

Thus, in view of the above amendments and remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

CONCLUSION

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JMH:jis
60984229 v1